

MESSAGE NO: 6268203

MESSAGE DATE: 09/25/2006

MESSAGE STATUS: Active

CATEGORY: Countervailing

TYPE: LIQ-Liquidation PUBLIC ☒

NON-PUBLIC ☐

SUB-TYPE:

FR CITE: FR

FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): C-489-806

EFFECTIVE DATE:

COURT CASE #:

PERIOD OF REVIEW:

TO

PERIOD COVERED: 01/01/2005 TO

12/31/2005

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: AUTOMATIC LIQUIDATION INSTRUCTIONS FOR CERTAIN PASTA FROM TURKEY
(C-489-806-000/001/002/003/004/005)

MESSAGE NO: 6268203

DATE: 09 25 2006

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REFERENCE:

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CASES: C - 489 - 806

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PERIOD COVERED: 01 01 2005 TO 12 31 2005

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: AUTOMATIC LIQUIDATION INSTRUCTIONS FOR CERTAIN PASTA
FROM TURKEY (C-489-806-000/001/002/003/004/005)

1. THE DEPARTMENT OF COMMERCE DID NOT RECEIVE A REQUEST FOR AN ADMINISTRATIVE REVIEW OF THE COUNTERVAILING DUTY ORDER ON CERTAIN PASTA FROM TURKEY (C-489-806) FOR THE PERIOD 01/01/2005 THROUGH 12/31/2005.

2. COVERED BY THE ORDER ARE SHIPMENTS OF CERTAIN NON-EGG DRY PASTA IN PACKAGES OF FIVE POUNDS (2.27 KILOGRAMS) OR LESS, WHETHER OR NOT ENRICHED OR FORTIFIED OR CONTAINING MILK OR OTHER OPTIONAL INGREDIENTS SUCH AS CHOPPED VEGETABLES, VEGETABLE

PUREES, MILK, GLUTEN, DIASTASES, VITAMINS, COLORING AND FLAVORINGS, AND UP TO TWO PERCENT EGG WHITE. THE PASTA COVERED BY THIS ORDER IS TYPICALLY SOLD IN THE RETAIL MARKET, IN FIBERBOARD OR CARDBOARD CARTONS OR POLYETHYLENE OR POLYPROPYLENE BAGS, OF VARYING DIMENSIONS.

EXCLUDED FROM THE ORDER ARE REFRIGERATED, FROZEN, OR CANNED PASTAS, AS WELL AS ALL FORMS OF EGG PASTA, WITH THE EXCEPTION OF NON-EGG DRY PASTA CONTAINING UP TO TWO PERCENT EGG WHITE.

THE MERCHANDISE UNDER REVIEW IS CURRENTLY CLASSIFIABLE UNDER SUBHEADING 1902.19.20 OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES ("HTSUS"). ALTHOUGH THE HTSUS SUBHEADING IS PROVIDED FOR CONVENIENCE AND CUSTOMS PURPOSES, OUR WRITTEN DESCRIPTION OF THE SCOPE OF THE ORDER IS DISPOSITIVE.

SCOPE RULING

TO DATE, THE DEPARTMENT HAS ISSUED THE FOLLOWING SCOPE RULING:

ON OCTOBER 26, 1998, THE DEPARTMENT SELF-INITIATED A SCOPE INQUIRY TO DETERMINE WHETHER A PACKAGE WEIGHING OVER FIVE POUNDS AS A RESULT OF ALLOWABLE INDUSTRY TOLERANCES MAY BE WITHIN THE SCOPE OF THE COUNTERVAILING DUTY ORDER. ON MAY 24, 1999, WE ISSUED A FINAL SCOPE RULING FINDING THAT, EFFECTIVE OCTOBER 26, 1998, PASTA IN PACKAGES WEIGHING OR LABELED UP TO (AND INCLUDING) FIVE POUNDS FOUR OUNCES IS WITHIN THE SCOPE OF THE COUNTERVAILING DUTY ORDER. SEE MEMORANDUM FROM JOHN BRINKMAN TO RICHARD MORELAND, DATED MAY 24, 1999, WHICH IS ON FILE IN THE CENTRAL RECORDS UNIT ("CRU") IN ROOM B-099 OF THE MAIN COMMERCE BUILDING. THIS SCOPE RULING WAS PUBLISHED IN THE FEDERAL REGISTER ON 07/07/2000 (65 FR 41957).

3. THEREFORE, IN ACCORDANCE WITH SECTION 351.212(c) OF THE COMMERCE REGULATIONS, YOU ARE TO ASSESS COUNTERVAILING DUTIES AT RATES EQUAL TO THE CASH DEPOSIT OF ESTIMATED COUNTERVAILING DUTIES REQUIRED AT THE TIME OF ENTRY ON THE SPECIFIED SUBJECT

MERCHANDISE EXPORTED ON OR AFTER 01/01/2005 AND ON OR BEFORE 12/31/2005.

4. THE RATES OF ESTIMATED COUNTERVAILING DUTIES WHICH WERE REQUIRED TO BE DEPOSITED ARE:

CERTAIN PASTA FROM TURKEY

01/01/2005 - 12/31/2005

FILIZ GIDA SANAYII VE TICARET A.S. C-489-806-001 0.00 PERCENT

GIDASA SABANCI GIDA SANAYI VE

TICARET (FORMERLY MAKTAS

MAKARNACILIK VE TICARET A.S. C-489-806-002 6.52 PERCENT

OBA MAKARNACILIK SANAYI VE TICARET C-489-806-003 15.82 PERCENT

BESLEN MAKARNA GIDA SANAYI/

BESLEN PAZARLAMA GIDA C-489-806-004 0.00 PERCENT

TAT KONSERVE SANAYI/

PASTAVILLE MAKARNACILIK C-489-806-005 1.73 PERCENT

ALL OTHERS C-489-806-000 9.38 PERCENT

5. THE NOTICE OF LIFTING OF SUSPENSION OF LIQUIDATION FOR THE MERCHANDISE LISTED ABOVE EXPORTED ON OR BEFORE 12/31/2005 OCCURRED WITH THE PUBLICATION OF THE NOTICE OF INITIATION OF ADMINISTRATIVE REVIEW (71 FR 51573, 08/30/2006). THE SUSPENSION OF LIQUIDATION FOR ALL SHIPMENTS OF THE MERCHANDISE LISTED ABOVE EXPORTED AFTER 12/31/2005 WILL CONTINUE.

6. THE ASSESSMENT OF COUNTERVAILING DUTIES BY CBP ON SHIPMENTS OR ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CBP PAY INTEREST ON OVERPAYMENTS OR ASSESS INTEREST ON UNDERPAYMENTS, OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED COUNTERVAILING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE

TO CASH OR BONDS POSTED AS ESTIMATED COUNTERVAILING DUTIES BEFORE THE DATE OF PUBLICATION OF THE COUNTERVAILING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE ENTRY DATE OR DATE OF DEPOSIT WHICHEVER IS LATER, OF ESTIMATED COUNTERVAILING DUTIES THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

7. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577 RESPECTIVELY (GENERATED BY O1:ART).

8. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

CATHY SAUCEDA

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party